

A Perpetual Legacy

CARRYING OUT A MANDATE AS OLD AS THE NATION

The trust lands mandate is woven deeply into our nation's heritage. It began with the Articles of Confederation in 1785 establishing the school lands program, and the dedication of lands in each township to support public schools and the right of education for all people.

This fundamental concept began the legacy of the Union assisting new states by giving them lands to support education and other essential public services. Lands were given at statehood to compensate states for their pledge not to tax federal lands. The acreage per state varied. This constituted a contract between Congress and each of the new states that the lands be managed for identified objectives and beneficiaries. In equal footing with the original states, western states also received title to submerged lands.

BUILDING EVER-INCREASING BENEFITS

For the past 100 to 200 years the Commissioners of Public Lands of the western states have carried out this federal mandate, managing more than 447 million acres of surface and submerged lands with ever-increasing effectiveness to bring revenue and myriad benefits to specific beneficiaries and the public. For most of the trust lands this means selling or leasing renewable resources at a sustainable level, while protecting public resources. For some states with fewer renewable resources, mineral leases provide the bulk of the trust revenue. But the same principles apply.

With population growing rapidly in the West and public services' infrastructure and capacity challenged, demands for available lands, natural resources, revenue, and locations for public recreation and other activities also rapidly increase. What appeared to be infinite a century ago is recognized as finite.

Central in the public discussion on these issues are the Commissioners of Public Lands and the trust lands they manage. As stewards overseeing trust land management, they have learned to walk the tightrope, providing revenue and benefits for today, and for generations to come - in perpetuity.

PARTNERS IN ACHIEVING A COMMON GOAL

While the nation faces the impacts of urban growth, the Western States Land Commissioners and their association (WSLCA) have been instrumental in protecting public resources while increasing the productivity and sustainability of the trust lands over time. The Commissioners have found in each other valuable resources as they work together to address common issues and build partnerships together and with the federal government.

The Commissioners' original partner in the trust land management was Congress. Past, present and future successes are enhanced when Congress and the federal Executive Branch work with the states as they develop legislation and programs that support the trust mission originally defined by Congress and being carried out by the states.

Today, demand is increasing for lower taxes, ever higher trust revenue, and environmental stewardship - while endangered species listings, community pressures and other interests vie for prominence in decisions about federal and state-managed lands. It becomes critical that we work together to meet the needs of future generations. The WSLCA wants to work with the federal government on issues that affect our ability to manage the trust lands effectively and to accomplish the mandate that Congress set as states entered the Union.

WORKING TOGETHER FOR BEST USE OF PUBLIC LANDS

Significant state-owned trust lands are intermixed with federal lands. For example, designations of federal national monuments can have a great impact on the ability of state land managers to carry out activities on lands that abut or are surrounded by designated monuments. The 1996 designation of the

Grand Staircase Escalante National Monument in Utah has protected the land from development and is an important addition to the national legacy, but it created difficulties in trust lands management. Before making federal land designations, it is important for the federal government to work with states when deciding whether and where to designate national monuments. The western states' land managers are ready and willing to work with federal agencies to address these issues in order to develop the best long-term solutions, including land exchanges or compensation.

COORDINATING SALE OR LEASE OF RENEWABLE AND VALUABLE RESOURCES

Challenges and opportunities for partnerships abound in this area. In light of the trust mission originally defined by Congress, the federal government should assist states in meeting their trust obligations rather than using the trusts as convenient targets for difficult economic and social problems.

In 1990 Congress passed an act that restricted the export of logs originating from public land in the Pacific Northwest, including state trust lands. The intent was to encourage domestic milling, to keep jobs "at home." In addition to direct controls on log exports, restrictions limit who is eligible to purchase and process logs. The log export ban - which Congress made permanent has resulted in an estimated loss of more than \$350 million to the trust beneficiaries since the start of the ban in 1991. This is a loss to all of the states' trusts, including those that support school construction, colleges and institutions. The intent to encourage domestic milling of public timber is worthy, but the cost should not be borne solely by the states' trust beneficiaries. Washington State would like to work out alternatives that help local economies and still allow for strong trust revenue.

It's difficult for the states to sell what the federal government gives away. This truism illustrates the challenge regarding policy differences between state and federal land management in close proximity. The federal government leases grazing lands throughout the West at rates which are consistently below fair market rates, making it difficult for state land managers to charge full fair market value for state grazing leases. Federal rates affect many of the members of the WSLCA that have grazing lease lands, diminishing states' abilities to meet trust obligations.

Increasingly, federal regulatory actions - such as cleanup of contaminated sites and protection of endangered species - are imposed on state lands more strictly than on private lands. The WSLCA would like to work together with the federal agencies and others to find a more equitable way to benefit the trusts and the public.

DECISIONS ABOUT DIVESTITURE OR LAND EXCHANGES

There have been discussions at the federal and state levels to divest some or all of certain federal lands to the states; that is, to transfer them to the states for management or sell them into private ownership.

There is an enduring national purpose for continuing federal public management of the lands to protect national scenic, recreational and habitat values - as well as headwaters and aquifers - and provide a source of raw materials such as timber and minerals. Federal lands and management provide experimental fields for public research on subjects - such as forest health, watershed functions, ecosystem integrity, coordinated firefighting, and resources protection - on both federal and non-federal lands. The transfer of federal lands to other ownership could diminish or eliminate these important public benefits.

If the lands were transferred to the states, the integration of national public interests with state management would need to be addressed. The impact of a wholesale or large-scale transfer to our member states would vary from member to member, but it is clear that there are issues that need to be clearly addressed prior to any transfer.

NOW MORE THAN EVER

Although grounded in a tradition as old as the nation itself, the trust lands, and the Land Commissioners, who administer them, are a valuable and vital part of the state holdings and resources

for the future.

As populations increase and pressure is put upon state land management to fulfill goals of local as well as national interest, government agencies at all levels will need to work together to effectively accomplish multiple missions on behalf of the public.

For more information about any of the issues discussed here, please contact the Western States Land Commissioners Association. Addresses and phone numbers are available on the WSLCA Web Site.

WSLCA Web Site Address: www.wslca.org